

**BOARD OF APPEALS CASE NO. 5137**

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**BEFORE THE**

**APPLICANTS: Carson and Glenna Stallard**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit an existing porch  
with roof within the required front yard setback;  
2227 Rosewood Drive, Edgewood**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

**Aegis: 4/6/01 & 4/11/01**

**HEARING DATE: May 21, 2001**

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**Record: 4/6/01 & 4/13/01**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Carson and Glenna Stallard, are requesting a variance pursuant to Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance, to construct a roof over an existing porch within the required 25 foot front yard setback (existing 20 foot), in an R3/CDP District (Urban Residential/Community Development Project).

The subject parcel is located at 2227 Rosewood Drive in the Edgewood Meadows subdivision, and is more particularly identified as Section 3 on Tax Map 66, Grid 3-A, Parcel 49, Lot 13. the subject parcel consists of 0.341 acres (Lot 13) and 0.043 acres (Lot 13-A), is presently zoned R3/CDP Urban Residential/Community Development Project, and is entirely within the First Election District.

Mr. Carson P. Stallard, the Applicant in this case, appeared before the Hearing Examiner and indicated that his request consists of placing a roof over an existing porch already located on the house. Mr. Stallard intent is to provide some shelter from the elements to his wife, who he indicated is disabled. Mr. Stallard testified his property is unique in shape and size, narrowing to one end, which creates a very odd shape and the need for the present variance. The existing porch is 6 feet deep and the proposed roof over this porch will extend just slightly over the porch and will be 20 feet in length. The witness indicated that the roof will match the existing home in color and material and that several other homes in the area have covered front porches or front landings, as described by the Applicant. The Applicant did feel his property was unique and did not think the addition of a roof over an existing porch area would present any adverse effects on neighboring properties or uses being made by neighbors of their property, nor did he think there would be any material impact to the Harford County Code.

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The Department of Planning and Zoning, in its Staff Report prepared in this case, date May 10, 2001, recommends approval of the subject request, conditioned only upon the obtaining of permits and inspections by the Applicant. The Department agreed with the Applicant that the subject property is unique in that the narrowness and unusual shape of the property results in the need for a variance for construction of any addition onto this house. Further, the Department found that the addition of a roof over the existing porch would not be substantially detrimental to adjacent properties and would not materially impair the purposes of the Code or the public interest.

No persons appeared in opposition to this request.

### **CONCLUSION:**

The Applicants are requesting a variance pursuant to Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance, to construct a roof over an existing porch within the required 25 foot front yard setback (existing 20 foot), in an R3/CDP District (Urban Residential/Community Development Project).

The Maryland Court of Appeals has provided guidance in matters of variance requests and described a two-step analysis in determining whether such requests should be granted. According to the guidance provided by Court, the variance process is a two-step, sequential process:

1. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is, in and of itself, unique and unusual in a manner different from the nature of surrounding properties, such that the uniqueness or peculiarity of the property causes the zoning provision to impact disproportionately upon the property. If this finding cannot be made, the process stops and the variance must be denied. If, however, the first step results in a supportive finding of uniqueness or unusualness, then the second step in the process is taken.
2. The second step is a demonstration of whether unreasonable hardship (or practical difficulty) results from the disproportionate impact of the ordinance caused by the property's uniqueness exists. Cromwell v. Ward, 102 Md. App. 691 (1995).

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The Hearing Examiner finds that the subject property is unique and unusual and it is this uniqueness that results in the request and need for a variance in order to put a roof over an existing porch on this property. Covered porches are commonly found throughout Harford County in a variety of zoning districts and should not have any adverse impact on adjoining or neighboring property owners. Moreover, the Hearing Examiner does not believe that any adverse material impact to the Harford County Code will result from a grant of the requested variance. Variances of this nature are minor and are generally allowed unless substantial impact results from such a request.

The Hearing Examiner, finding none in this case, recommends approval of the requested variance, subject only to the Applicants obtaining all necessary inspections and permits.

Date     JUNE 20, 2001

William F. Casey  
Zoning Hearing Examiner